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Remarks

Claims 2 and 46 have been amended to overcome claim informalities.

Claims 1-3, 6, 8, 19, 26-34, and 42-46 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claims 1, 26, and 43 have been amended to remove language upon which such Claims were rejected as set forth in the Advisory Action dated December 8, 2006. Accordingly, withdrawal of the 35 U.S.C. 101 rejection is requested.

Claims 49 and 50 were rejected as being anticipated by U.S. Patent No. 5,146,923 (Dhawan). Claim 49 has been amended to remove the language "representing". Dhawan cannot produce one or more images of optically formed sections within the stressed tissue, as described in Claim 49. Dhawan describes a nevoscope which uses a still or video camera (9) of Fig. 1 or camera 74 of Fig. 5 to record images of tissue (see column 7, lines 8-10). A still or video camera cannot provide an image of a section through tissue, but rather provides an image of the tissue surface, or an image of a volume of tissue transilluminated from the surface to a depth. The camera (9 and 74) of Dhawan captures an image of the tissue but cannot optically discriminate any section under the surface. Dhawan cannot optically form a sectional image. Accordingly, Dhawan relies on computer tomography to obtain sections (see top paragraph of column 3, and a computer-reconstructed cross-section of tissue at column 5, and especially, column 5, at lines 11-16 and 53-57). Computer-reconstructed sections are not optically formed, as called for in Claim 49. Clearly, if Dhawan was capable of providing images of optically formed sections, why would it describe use of computer reconstruction to generate an image of a cross-section? Therefore, Dhawan does not anticipate Claim 49 and its dependent Claim 50, and withdrawal of the rejection of Claims 49 and 50 is requested.

The obviousness-type double patenting rejection has been overcome as set forth in the Advisory Action dated December 8, 2006.

Claims 4, 5, 7, 21-23, 35, 36, 47, 48 and 51-53 have been allowed. Applicant has amended allowed Claim 47 to remove a recently found claim informality due to an

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inadvertent error in claim drafting, and requests entry of such Amendment to place the claim in better form.

Applicant has not yet received several PTO-1449 forms showing Examiner's consideration of items listed which were filed with Supplemental Information Disclosure Statements on April 19, 2005 and June 30, 2005. Copies of these forms showing Examiner consideration are requested.

Applicant petitions under 37 CFR 1.136(a) for a one-month extension of time from 11/17/06 until 12/17/06. Please charge Deposit Account 50-1101 for the required \$60.00 petition fee.

It is believed that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Respectfully submitted,



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